

# Order

Michigan Supreme Court  
Lansing, Michigan

December 23, 2020

Bridget M. McCormack,  
Chief Justice

161892

David F. Viviano,  
Chief Justice Pro Tem

DEBORAH LYNN FOSTER,  
Plaintiff/Counterdefendant-  
Appellant,

Stephen J. Markman  
Brian K. Zahra  
Richard H. Bernstein  
Elizabeth T. Clement  
Megan K. Cavanagh,  
Justices

v

SC: 161892  
COA: 324853  
Dickinson CC: 07-015064-DM

RAY JAMES FOSTER,  
Defendant/Counterplaintiff-  
Appellee.

On order of the Court, the application for leave to appeal the July 30, 2020 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether the defendant has the ability to challenge the relevant term of the consent judgment in this case given that federal law precludes a provision requiring that the plaintiff receive reimbursement or indemnification payments to compensate for reductions in the defendant's military retirement pay resulting from his election to receive any disability benefits. See *Howell v Howell*, 581 US \_\_\_\_; 137 S Ct 400; 197 L Ed 2d 781 (2017).

The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).


Operation Firing for Effect, Forgotten Warriors Project, Inc., and Veterans of Foreign Wars Insurance Institute of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



a1216

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 23, 2020

  
Clerk